

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

LAURA LASCOLA, Individually, and  
as Sole Heir and Next of Kin  
NORMA DALE MASSA, deceased

PLAINTIFF

VS.

CIVIL ACTION NUMBER  
2:06-CV-00080-WAP-SAA

BARDEN MISSISSIPPI GAMING, LLC,  
d/b/a/ FITZGERALD'S CASINO HOTEL-TUNICA;  
TUNICA COUNTY MISSISSIPPI;  
TUNICA COUNTY SHERIFF'S DEPARTMENT,  
a division of Tunica County, Mississippi;  
K.C. HAMP, Individually, and in his capacity  
as Sheriff of Tunica County; Sheriff's Deputy Katie Johnson,  
Individually and in her capacity as Tunica County, Mississippi  
Sheriff's deputy; and JANE DOE, unknown Tunica  
County Sheriff's Deputy, Agent or Employee

DEFENDANTS

ORDER

Defendants Tunica County and the Tunica County Sheriff's Department have filed a motion [Doc. No. 394] for Sanctions and To Enforce Court Order. Plaintiff responded to the motion by stating that the requested discovery has been provided to defendant. Therefore, the motion to enforce the court order is **MOOT**.

Throughout the course of this case, the court has repeatedly addressed motions for sanctions filed by both the plaintiff and by different defendants. In this instance defendants Tunica County Mississippi and the Tunica County Sheriff's Department seek sanctions and attorney's fees for plaintiff's failure to comply with discovery orders under FED R. CIV. P. 33(b)(1) and to submit a discovery response in compliance with and FED. R. CIV. P. 33(b)(2). In previous orders in this case, the court has discussed the legal standard for ordering sanctions in

accordance with FED. R. CIV. P. 37(b)(2) and refers the parties to those discussions. In light of the record and the parties' past behavior before this court, the court finds that the award of sanctions would be unjust. Accordingly, it is

**ORDERED**

That defendant's motion for sanctions is **DENIED**.

THIS, the 16<sup>h</sup> day of June, 2008.

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/s/ S. ALLAN ALEXANDER  
S. ALLAN ALEXANDER  
U.S. MAGISTRATE JUDGE